

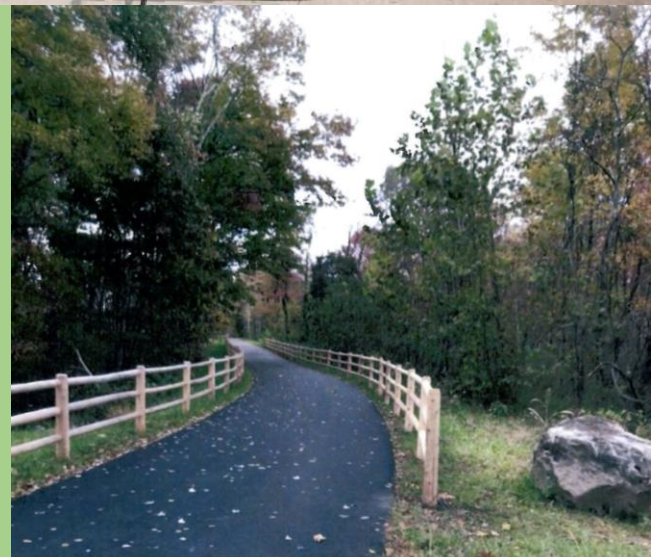


Department of  
Transportation

# TAP CMAQ



Transportation Alternatives  
Program (TAP) and Congestion  
Mitigation and Air Quality  
Improvement (CMAQ) Program  
**2021 Solicitation Guidebook**





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## INTRODUCTION

The New York State Department of Transportation (NYSDOT) is soliciting candidate projects for the Transportation Alternatives Program (TAP) and the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

Combining solicitations streamlines and maximizes funding opportunities for communities seeking to invest in and expand transportation choices beyond traditional highway programs. These Federal Aid reimbursement programs may include pedestrian, bicycle, and other non-motorized transportation improvements, safe routes to schools, transit access infrastructure upgrades, scenic trails, streetscape improvements, and projects that contribute to air quality improvements and provide congestion relief.

TAP funding helps communities deliver safe, transformative, and innovative transportation projects which expand, enhance and modernize walking and biking options and connections to transit. These programs and projects are alternatives to single occupancy vehicle (SOV) transportation and contribute to the revitalization of local and regional economies. Projects are expected to improve mobility, accessibility, and the community's transportation character such that the street network is more vibrant, walkable, and safer for all transportation mode users; pedestrians, bicyclists, transit users, and drivers.

Similarly, CMAQ provides funding to State and local entities for transportation projects that reduce vehicle emissions and traffic congestion in areas where air quality does not meet or previously did not attain the [National Ambient Air Quality Standards](#).<sup>1</sup>

This Guidebook will help Sponsors:

- Make informed decisions about their eligibility to apply;
- Understand the programs' requirements, the Grants Gateway application process, project selection process, available funding, and required funding commitments; and
- Learn about the availability of technical resources.

Guidance to be used in conjunction with this Guidebook include:

- The [Local Projects Manual \(LPM\)](#)<sup>2</sup> contains the policy and procedures required for Federal Highway Administration (FHWA) funded transportation programs.
- The NYSDOT [Highway Design Manual \(HDM\)](#)<sup>3</sup> standards which apply to all infrastructure projects (including pedestrian facilities).

Regional Local Project Liaisons (RLPL), located in the eleven NYSDOT Regional Offices, are available to provide general technical assistance on the Application, funding alternatives, and the Federal Aid process throughout a project's lifecycle. Mandatory Informational Workshops will be provided for Sponsors to learn about the programs, their processes and ask questions.

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<sup>1</sup> <https://www.epa.gov/green-book>

<sup>2</sup> Formerly known as [Procedures for Locally Administered Federal Aid Projects Manual \(PLAFAP\)](#) - [www.dot.ny.gov/plafap](http://www.dot.ny.gov/plafap)

<sup>3</sup> [NYSDOT Highway Design Manual \(HDM\) standards](#) - <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm>

**To apply** for TAP-CMAQ funding, eligible entities/Sponsors must attend an Informational Workshop, and enter and submit applications through the New York State (NYS) Grants Gateway. Information on how to register in the Grants Gateway, obtain a Grants Gateway Login ID, browse the listing of available funding opportunities or search for this specific funding opportunity are located on the [Grants Gateway](#) website.

## BASIC PROGRAM REQUIREMENTS

Information in this Guidebook applies to both TAP and CMAQ unless specifically indicated. Chapter 1 addresses general program requirements; Chapter 2 addresses applying for funding and completing an application; Chapter 3 identifies the project selection process; Chapter 4 outlines the steps to complete once funding has been awarded; and Chapter 5 identifies the process to obtain a project debrief. Appendix A provides contact information for each Regional Local Project Liaison (RLPL); Appendices B (TAP) and C (CMAQ) contain each program's specifically detailed information; and Appendix D contains definitions and terms used throughout this Guidebook. Appendix E contains the Application Instructions. Appendix F contains all application-related forms.

Sponsors, and their proposed projects, must meet basic eligibility requirements to be considered for funding from the TAP and CMAQ programs. Applying for one of these funding programs indicates that all the requirements for that specific program must be met. Sponsors choosing to apply for funding under both programs must meet each set of eligibility criteria and program requirements.

### **Basic Program Requirements:**

#### **For CMAQ only - Location**

- A. Project must be in an eligible county.

**NOTE: TAP funding is available in all counties.**

- B. The project sponsor must provide information to NYSDOT to estimate the effect of the project on emissions.

#### **For CMAQ and TAP:**

- C. Projects must have an eligible Sponsor.
- D. Sponsors must provide a minimum 20 percent local match and first instance project costs.
- E. Projects must fit into one of the selected program eligibility categories and meet the specific program requirements detailed in the Appendices.
- F. Project costs must meet the Minimum/Maximum Award criteria.
- G. Completed Application must be submitted through Grants Gateway by the deadline.
- H. Sponsors must attend an Informational Workshop.
- I. The project must relate to surface transportation and cannot be exclusively recreational.

Sponsors will be limited to a maximum of two project awards.

Any project activities or purchases that occur prior to federal authorization are **not** eligible for federal reimbursement.

## **CMAQ Only**

### **A. Eligible Counties**

To be eligible for CMAQ funding, a project must be in a county that is or was designated as “non-attainment” or “maintenance” for certain national air quality standards. For this solicitation, CMAQ funding is only available in the following counties: **Albany, Chautauqua, Dutchess, Erie, Genesee, Greene, Jefferson, Livingston, Monroe, Montgomery, Niagara, Onondaga, Ontario, Orleans, Rensselaer, Saratoga, Schenectady, Schoharie, and Wayne.**<sup>4</sup>

#### **For CMAQ and TAP:**

### **B. Eligible Sponsors**

To apply for funds, each project must have an eligible Sponsor, who must submit the Application through Grants Gateway and advance the project. Projects cannot have multiple Sponsors. When more than one county, municipality or agency is involved in a project, one of the involved entities must be designated to act as the project Sponsor.

#### **Eligible Sponsors:**

- Local Governments (counties, towns, cities, and villages);
- Regional Transportation Authorities;
- Transit Agencies;
- Natural Resource or Public Land Agencies (NYS Department of Environmental Conservation, NYS Parks, Recreation and Historic Preservation, local fish and game or wildlife agencies);
- Tribal Governments;
- Local or Regional Governmental entity responsible for Transportation or Recreational Trails; and the
- New York State Department of Transportation (for CMAQ only).

Other interested entities such as School Districts, Private Companies, Freight Rail Roads, and Non-Governmental Organizations will need to partner with or have an eligible Sponsor submit the application and Sponsor the project. An agreement between the Organization and Sponsor is required prior to project implementation.

### **Sponsor Roles and Responsibilities**

The Sponsor must:

- Be the primary point of contact for the project.
- Ensure the necessary staffing to administer and deliver the project if awarded funds.
  - Transportation projects are highly technical and require an understanding of Federal Highway Administration (FHWA) rules and procedures, highway design standards, materials, and construction inspection requirements.

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<sup>4</sup> **Note:** Projects in New York City, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties are eligible for CMAQ through other CMAQ solicitation processes and are not included in this solicitation.



- Successfully develop and implement the project.
- Demonstrate the necessary qualifications and commitment to the project.
  - Experience related to federal aid transportation project management and oversight will be considered and is preferred.
  - Successful and timely completion of federal aid projects is an important consideration to NYSDOT when awarding future funds. Consider your current workload prior to applying for additional funds.
- Assume responsibility for all aspects of an approved project, including future maintenance and operation of the constructed facility.
  - For capital projects, once constructed, public agencies must maintain the facilities, including walkways, in an accessible condition for all pedestrians, including persons with disabilities, with only isolated or temporary interruptions in accessibility. This includes routine maintenance and snow removal.
  - Sponsors must ensure the path of travel on pedestrian facilities is open and usable for persons with disabilities within the work zone throughout the construction of the project. This includes snow removal.
  - If operating assistance is requested through CMAQ, this funding is limited to **five years** (see Appendix C for details). After such time, a Sponsor must be prepared to assume all costs of such service.
- Assume financial obligations, including:
  - The cost of all ineligible items within the project's scope of work (ineligible costs will be deducted from the application request).
  - All costs which exceed approved funds, regardless of when the Sponsor becomes aware of the cost increases.
  - All costs associated with project scope increases or additional elements, even if eligible, that are added to the project after funds are approved.
  - Paying for all project expenses **first** before submitting payment requests to NYSDOT for reimbursement of the federal aid share. The federal share is up to 80 percent of eligible project costs for projects funded through this solicitation. Only expenses for work performed after a project receives federal authorization can be reimbursed. Eligible expenses can only be reimbursed after the NYSDOT State Local Agreement (SLA) has been fully executed.

## Formal Agreements

The NYSDOT must enter into a formal, legal agreement with the Sponsor of each project selected for funding. The NYSDOT State Local Agreement (SLA) contains a resolution passed by the eligible Sponsor's governing body. The resolution will include language regarding the Sponsor paying for all project expenses prior to requesting reimbursement for 80% of the eligible project costs. Reimbursement is capped at the award amount. Only expenses for work performed after a project receives federal authorization can be reimbursed. Eligible expenses can only be reimbursed after NYSDOT SLA has been fully executed.

## C. Non-Federal Share (Match)

General information about project funding and other considerations is available in the Local Projects Manual.<sup>5</sup>

The federal share of any project may not exceed 80 percent of the total project cost. Sponsors must provide a minimum 20 percent share of the funding for the project. This non-federal share, also known as the local match or local share is calculated based on the total project cost and not on an itemized basis. In most cases, other federal funds may not serve as the non-federal match. Through NYSDOT, FHWA typically reimburses Sponsors for up to 80 percent of the eligible costs reflected on the voucher and receipts submitted.

Local match sources may include:

- Local funds;
- Consolidated Local Street and Highway Improvement Program (CHIPS) capital funds;
- Contributions made by the project Sponsor or other involved organizations as detailed in one or more agreements between the Sponsor and those organizations; and
- State funds from:
  - Office of Parks, Recreation and Historic Preservation (OPRHP);
  - Department of State (DOS) - Downtown Revitalization Initiative funds;
  - Department of Environmental Conservation (DEC);
  - Canalway Grant funds;
  - Environmental Protection Fund (EPF) grant funds would need pre-approval from both NYSDOT and the Administering Agency;
- Recreational Trails Program (RTP) funds;
- Dormitory Authority of the State of NY (DASNY) State and Municipal Facilities Program (SAM) funds;
- Housing and Urban Development Community Development Block Grant (CDBG) funds; and
- Certain non-cash sources such as donations of land, material, and labor, with advance approval by NYSDOT. If this type of match is to be used, it is strongly recommended that the Sponsor identify this during the Application Pre-Review to understand the additional documentation requirements involved.

State funds administered by NYSDOT, such as Marchiselli Funding and the NYS Omnibus and Transit Purposes Appropriation, are NOT an eligible match source for either TAP or CMAQ applications for this solicitation.

It is important for the Sponsor to adequately scope the project. This is especially pertinent concerning the ability to acquire land (if needed) in conformance with the federal process for right-of-way (ROW) acquisition, including costs associated with surveying, mapping, any temporary construction easements, and any environmental/cultural resource issues. Unforeseen costs are the responsibility of the Sponsor. No additional Federal-Aid funding will be available beyond the funds awarded. An excellent resource regarding Federal Aid can be found [here](#).<sup>6</sup>

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<sup>5</sup> [Local Projects Manual](https://www.dot.ny.gov/plafap) - <https://www.dot.ny.gov/plafap>

<sup>6</sup> [Federal Aid information resources for Locals](https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=62) - <https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=62>

In the application, the Sponsor must identify all property rights needed to be acquired for the proposed project. Additionally, the Sponsor is responsible for and must certify that it will undertake the acquisition of these property rights, meet all requirements under the [Uniform Act](#) and the project schedule must reflect an appropriate time to complete this work. Failure to identify needed property rights or to properly acquire them in a timely manner may void the TAP-CMAQ award and require the Sponsor to reimburse NYSDOT for any costs incurred.

## Donations

Prior to submitting the application NYSDOT must pre-approve the use and value of donations and force account work prior to its use as part of the required minimum 20 percent local share. Contact the RLPL before identifying donations as part of the local share and any questions concerning donations. Sponsors must confirm with federal and state fund source providers that use of such funds for the non-federal share is permitted.

## D1. TAP Eligible Categories

While each program has specific categories of eligible projects, certain proposed projects may be eligible for both programs (see detailed information in Appendix B for TAP and Appendix C for CMAQ).

TAP project funding focuses primarily on benefits for bicyclists, pedestrians, and other amenities **for non-drivers**. While landscaping and stormwater improvements are eligible, the inclusion of these project elements must: be associated with one or more of the eligible categories; be incidental to the proposed project; and not be the proposal's primary intent or focus.

A detailed description of TAP eligible categories, guiding questions, examples of eligible and ineligible projects, specific requirements, project selection process, and rating criteria are in Appendix B. Project categories include:

- Planning, design and construction of infrastructure-related projects to improve non-driver safety and access to public transportation and enhanced mobility;
- Construction of turnouts, overlooks, and viewing areas;
- Safe routes to school (enable and encourages children to walk or bike to school);
- Planning, design and construction of on-road and off-road trail facilities for pedestrians, bicyclists and non-motorized transportation users;
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, and non-motorized transportation users; and
- Planning, design and construction of boulevards and other roadways, largely in the right-of-way of former divided highways.
- Community Improvement Activities (landscaping and streetscape improvements, preserve historic transportation facilities, vegetation management practices, archeological activities); and
- Environmental Mitigation Activities.

## D2. CMAQ Eligible Categories

A description of CMAQ eligible project categories are listed below. Guiding questions, examples of eligible and ineligible projects, specific requirements, project selection process, and project rating criteria are found in Appendix C. Project categories include:

- Pedestrian and bicycle facilities such as new trails; connections or gap filling of existing pedestrian and bicycle networks; and ~~initial operating of bike sharing programs or travel~~ information promoting walking and biking;
- Travel demand management and ride sharing such as park and ride, ride share, car share, bike sharing capital costs, employee transit benefits and educational outreach;
- Congestion reduction and traffic flow improvements such as signalization improvements, freeway management and intersection improvements; new or expanded intelligent transportation systems (e.g. traffic monitoring); integrated, interoperable emergency communications equipment; and vehicle-to-infrastructure communications equipment;
- Transit improvements such as service expansion and amenities, park and rides, employee transit benefits;
- Freight intermodal improvements such as intermodal freight facilities and programs, truck stop electrification, heavy vehicle engine replacements;
- Alternative fuel and clean vehicle projects such as electric vehicle (EV) and compressed natural gas (CNG) fuel stations, extreme temperature cold start technology, diesel retrofits, heavy vehicle engine replacements, dust mitigation and idle reduction.

To determine the project's air quality benefit (required to be eligible for CMAQ funding), the Sponsor must provide specific technical data in the Application (see Appendix C). Using this technical data, NYSDOT will run the CMAQtraq software program to calculate a project's estimated emissions benefits.

## E. Award Minimum/Maximum Amounts

Because of the requirements and complexities in the use of federal transportation funding, a minimum total project award is required for both TAP and CMAQ Applications. For both programs:

The minimum federal share for each project is \$500,000.

- With a \$500,000 federal share; the match is \$125,000, resulting in a minimum total project cost of \$625,000.

The maximum federal share for each project is \$5 million.

- With a \$5 million federal share; the minimum required match is \$1.25 million, resulting in a total project cost of at least \$6.25 million.
- For projects costing greater than \$6.25 million, the project Sponsor is responsible for all additional costs.

**Selected project funds are capped.** No additional Federal funds will be approved for any project beyond the original award amount. Projects will be awarded the funding requested; however, the award may be reduced if a determination is made that a portion of the proposed project is not eligible for federal aid. No partial awards will be made.

## **F. The Application and Pre-Review Process**

RLPLs are available to assist Sponsors with estimating and developing a project budget and verifying project eligibility and scope (see Appendix A on the TAP-CMAQ website for complete RLPL list).

Completed Applications must be submitted to NYSDOT through the [Grants Gateway](#) by the deadline. Late Applications will not be accepted. Incomplete Applications or Applications missing attachments may not receive full consideration for funding (see Appendix E for Application instructions).

To determine if your organization has registered for Grants Gateway or how to contact its Administrator, enter your organization's New York State Statewide Financial System (SFS) Vendor ID on the Grants Gateway website. If you do not know your organization's Vendor ID, contact your finance office to obtain assistance.

**Consultants who prepare all or part of an Application may not participate in a competitive solicitation for consultant services for the same project, unless the consultant has been procured through a competitive process that included subsequent phases of the project, such as design, construction support, and construction inspection of the project.**

When completing the application, projects must fit into one of the Project Categories described in the following table. In some instances, a project may be eligible for both TAP and CMAQ funding.

<b>Project Categories</b>	<b>TAP Eligible</b>	<b>CMAQ Eligible</b>
1. Planning, Design and Construction of Infrastructure Related Projects to Improve Non-Driver Safety and Access to Public Transportation and Enhanced Mobility;	<b>X</b>	
2. Construction of Turnouts, Overlooks and Viewing Areas;	<b>X</b>	
3. Safe Routes to School (Enables and Encourages Children to Walk or Bike to School);	<b>X</b>	<b>X</b>
4. Planning, Design and Construction of On-road and Off-road Trail Facilities for Pedestrians, Bicyclists and Non-Motorized Transportation Users	<b>X</b>	<b>X</b>
5. Conversion and Use of Abandoned Railroad Corridors for Trails for Pedestrians, Bicyclists and Non-Motorized Transportation Users;	<b>X</b>	<b>X</b>
6. Planning, Design and Construction of Boulevards and other Roadways largely in the Right-of-Way of Former Divided Highways;	<b>X</b>	<b>X</b>
7. Travel Demand Management and Ride Sharing; including Park and Ride, Ride Share, Car Share, capital costs associated with Bike Share, Employee Transit Benefits and Educational Outreach;		<b>X</b>
8. Congestion Reduction and Traffic Flow Improvements which includes: Signalization Improvements, Freeway Management and Intersection Improvements; new or expanded Intelligent Transportation Systems (e.g. Traffic Monitoring); Integrated, Interoperable Emergency Communications Equipment; and Vehicle-to-Infrastructure Communication Equipment;		<b>X</b>
9. Transit Improvements which include Service Expansion and Amenities, Park and Rides, Employee Transit Benefits;		<b>X</b>
10. Freight Intermodal Improvements which include Intermodal Freight Facilities and Programs, Truck Stop Electrification, Heavy Vehicle Engine Replacements;		<b>X</b>
11. Alternative Fuel and Clean Vehicle project which include EV and CNG Fuel Stations, Extreme Temperature Cold Start Technology, Diesel Retrofits, Heavy Vehicle Engine Replacements, Dust Mitigation and Idle Reduction.		<b>X</b>
12. Community Improvement Activities. Landscaping and streetscape improvements, preserve historic transportation facilities, vegetation management practices, archeological activities	<b>X</b>	
13. Environmental Mitigation Activities.	<b>X</b>	

### Optional Application Pre-Review

The Application Pre-Review is designed to help determine federal aid eligibility and offer Sponsors TAP-CMAQ project application feedback prior to submission. Participation in the

Application Pre-Review, though strongly encouraged, is optional. The Pre-Review process provides Sponsor's input on the proposed project scope, budget, right-of-way, schedule, potential environmental and cultural resource impacts and significance, etc.

The Application Pre-Review is not meant to provide a score or ranking, nor will it establish commitment to a project. Sponsors should provide as much information as possible for NYSDOT to provide feedback on the Application Pre-Review. Without sufficient information to provide feedback, Sponsors may not receive all bonus points.

To participate in this process, Sponsors must request a Pre-Review by submitting the "Application Pre-Review Request Form" via e-mail to the TAP-CMAQ mailbox at [TAP-CMAQ@dot.ny.gov](mailto:TAP-CMAQ@dot.ny.gov). The Pre-Review Request Form is located on the [TAP-CMAQ website](#).<sup>7</sup> Include on the request form the Sponsor name, Application number, NYSDOT region and project title so that NYSDOT Staff can locate the application in Grants Gateway. A confirmation e-mail will be returned to the Sponsor to acknowledge the Pre-Review request was received. Requests for a Pre-Review must be received by the deadline listed on the TAP-CMAQ website under Key Program Dates. The Application Pre-Review Request Form is located in the TAP-CMAQ Guidebook, Appendix F and on the NYSDOT TAP-CMAQ website.

Sponsors are encouraged to include all relevant details related to the project in the application prior to requesting a Pre-Review. Project scope, budgets, schedules, maps, right-of-way information and other applicable information should be uploaded in the application prior to requesting a pre-review to allow NYSDOT staff to provide useful feedback to the Sponsor on as many of the project components as possible. For example, when seeking CMAQ funding, we strongly encourage Sponsors to provide the CMAQ Technical Benefits Worksheet. **Sponsors may continue to work on the application while NYSDOT is reviewing the project. Only submit your application in Grants Gateway when it is complete.**

After the Application Pre-Review has been completed by the appropriate NYSDOT Region, written comments (see Appendix F for Pre-Review Comment form) will be emailed to the Sponsor. The completed **Application Pre-Review Comment Form must be uploaded** on the Pre-Submission Upload page in Grants Gateway and submitted with the final Application to **receive bonus** points.

**NOTE:** *Requesting an Application Pre-Review is not an application submission. Applicants must complete and submit the application by the deadline in the Grants Gateway to be considered for funding.*

## G. Workshop Attendance

The TAP-CMAQ Informational Workshop provides an overview of the Grants Gateway System; TAP-CMAQ Program; the Application Pre-Review; the Application; and key Federal Aid process requirements. The Workshop duration is expected to be about 90 minutes, during which time Sponsors will also have an opportunity to ask questions.

**Sponsors must attend the TAP-CMAQ Informational Workshop.** Attendance in previous years does not count for this year's solicitation.

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<sup>7</sup> [TAP-CMAQ website](http://www.dot.ny.gov/TAP-CMAQ) - <http://www.dot.ny.gov/TAP-CMAQ>

Dates and times of workshops are located on [NYSDOT's webpage](#).<sup>[1]</sup> Workshops will be viewed through an on-line webinar. If unable to attend, contact your RLPL. NYSDOT must have documented evidence that a Sponsor has attended a session. (See Appendix A for the list of RLPLs.)

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<sup>[1]</sup> [TAP-CMAQ website](http://www.dot.ny.gov/TAP-CMAQ) - <http://www.dot.ny.gov/TAP-CMAQ>



## APPLYING for FUNDING

There is one application for both programs. Sponsors must complete and submit an application by the submission deadline to be considered for funding. Detailed application instructions are available in Appendix E.

Only applications that are completed and submitted by the application deadline will be evaluated and scored. Projects submitted for consideration under both programs will be evaluated twice; once for TAP funding using TAP criteria and once for CMAQ funding using CMAQ criteria. If successful, the project will only receive funding from one source – either TAP or CMAQ.

A Statewide Financial System (SFS) number is required to allow NYSDOT to reimburse a Sponsor for eligible expenses incurred. The Office of the State Comptroller's [‘Vendors Doing Business with NYS’](#) web site has additional information on the Statewide Financial System (SFS) and how to obtain this number if you do not have one.

### Strategies for Successful Applications

To prepare a successful application, Sponsors are encouraged to visit the [TAP-CMAQ website](#). The webpage includes Key Program dates, Informational Workshop dates, Quick Estimating Tool, Weighted Average Item Price Report, Pay Item Catalog and a Sample Project Management Plan.

Successful applications are those that:

- Clearly define the project scope relative to the eligible categories including objectives, limits, and needs identification.
- Describe all work to be performed and reimbursed in every phase of the project including scoping, design, construction and operation.
- Describe work that has been completed, but not eligible for reimbursement, by providing plans and drawings prepared by a Professional Engineer, if applicable.
- Demonstrate compliance with the National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA), if applicable. For more information on NEPA and SEQRA see [NYSDOT's Local Projects Manual Chapter 7](#).
- Demonstrate public benefit.
- Demonstrate community support for the project by including letters from various community members that the project would impact (e.g. Schools, Fire District, Community Centers,).
- Provide a clear project location map (i.e. shows streets and roads).
- Present a thorough knowledge of any ROW necessary and potential utility conflicts, ensuring timely completion of the project. ROW costs may account for no more than 10 percent of the funding awarded and must meet all requirements under the [Uniform Act](#). Proof of readily available ROW will receive higher scoring in the selection process.<sup>8</sup>

<sup>8</sup> The ROW staff in the Regional Offices can assist with any questions about ROW acquisition and requirements for using Federal Aid on a project prior to application submittal. Contact your RLPL to obtain assistance.

- Documented support from the property owner. For work within a highway ROW, roadway, or land that is publicly owned by another entity, the owner's support must be documented.
  - For work within NYSDOT ROW, a Highway Work Permit<sup>9</sup> must be obtained by the time the SLA is executed.
  - For a project located within NYSDOT ROW, consult with NYSDOT prior to submission of your application.
- Present a well-developed, inclusive, project budget<sup>10</sup> prepared by an appropriate professional. Include items according to [NYSDOT Standard Specifications](#),<sup>11</sup> quantities to match the project scope, any consultant fees (design, environmental review, real estate acquisition, and construction inspection), and any necessary ROW.
- Present a well-developed proposed project schedule, inclusive of the tasks and completion time associated with all phases of the project. See [Appendix 2 of the LPM for a Project Management Plan](#) to assist in scheduling.
- Demonstrate that 100% of the project costs can be first instanced before requesting reimbursement for 80% of eligible project costs and that a 20% match is available to support the project. (For example, a letter or a Municipal Resolution is acceptable.)
- Submit an Application for a Pre-Review.
- Have a Professional Engineer (PE) review the project Application prior to submittal and include a letter signed by the PE documenting their review with the final application.

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<sup>9</sup> [Highway Work Permit](https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits) - <https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits>

<sup>10</sup> Links to cost estimating sources can be found on the TAP-CMAQ website (<https://www.dot.ny.gov/TAP-CMAQ>).

<sup>11</sup> [NYSDOT Standard Specifications](#) - <https://www.dot.ny.gov/main/business-center/engineering/specifications>

## **PROJECT SELECTION PROCESS**

### **The NYSDOT solicits project applications through:**

- Announcement letter sent to all counties, cities, villages, towns, and appropriate state agencies in New York State;
- News releases sent to media in New York State; and
- An announcement placed on the [NYSDOT home page](https://www.dot.ny.gov/index)<sup>12</sup> and on the NYSDOT TAP-CMAQ website, the NYS Contract Reporter and the Grants Gateway.

After the announcement, NYSDOT will hold informational workshops to inform prospective project Sponsors of TAP-CMAQ Program requirements, the application process through the Grants Gateway, and federal and state requirements to implement TAP and CMAQ projects.

**Sponsors must attend the TAP-CMAQ Workshop in advance of applying for funds. Be sure that the appropriate local official employed by the Sponsor's organization (i.e., the individual who will have primary oversight of the project) attends this training.** Workshop dates and times are published on the [TAP-CMAQ website](https://www.dot.ny.gov/TAP-CMAQ)<sup>13</sup>.

Web-based Grants Gateway Workshops specific to TAP-CMAQ will also be available, visit the TAP-CMAQ website for more information.

### **Sponsor prepares an application through the Grants Gateway:**

A copy of the Application and detailed instructions for preparing a project application are provided in Appendix E. The application is accessed and submitted through [Grants Gateway](https://www.dot.ny.gov/TAP-CMAQ).

### **Application Pre-Review:**

Sponsors may, and are encouraged to, submit a TAP-CMAQ Application for Pre-Review. The NYSDOT staff will provide comments to the Sponsor through a Pre-Review Comment Form (Appendix F). This is not meant to provide a score, nor will it establish commitment to a project. This review's purpose is to provide suggestions on how to improve the application.

### **Final Applications Submitted:**

Final applications are submitted to the NYSDOT through the [Grants Gateway](https://www.dot.ny.gov/TAP-CMAQ). A copy of the Application and submittal instructions are available in Appendix E.

### **Application Review:**

Regional review teams will review and score each application. The NYSDOT Regions will consult with the NYSDOT Main Office and FHWA to determine project eligibility.

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<sup>12</sup> [NYSDOT Home Page](https://www.dot.ny.gov/index) - <https://www.dot.ny.gov/index>

<sup>13</sup> [TAP-CMAQ website](https://www.dot.ny.gov/TAP-CMAQ) - <https://www.dot.ny.gov/TAP-CMAQ>.

Applications are evaluated and scored by Regional TAP and CMAQ Evaluation Teams comprised of NYSDOT Regional personnel, Metropolitan Planning Organization (MPO) personnel, and subject matter experts within the respective regions. A team may include representatives of other state agencies, including Regional Economic Development Councils; regional planning commissions; Right-of-Way (ROW) professionals; and various interest groups, such as bike/pedestrian advocacy groups, provided there are no conflicts of interest. Rating criteria for TAP and CMAQ may be found in Appendix B and C, respectively.

CMAQ projects will have a technical review of submitted supporting emission reduction data. The review will be conducted by a statewide review team comprised of NYSDOT and other subject matter experts.

### **Announce Project Awards and Non-awards:**

Individual Sponsors are notified of award or non-award. No partial awards will be made. In addition, all project awards are announced via a press release. Sponsors will be awarded the full amount of TAP or CMAQ funds requested; however, the award may be reduced if a determination is made that a portion of the proposed project is not eligible for federal aid. Note that ineligible expenses will not be reimbursed.

After projects are announced, NYSDOT and the MPOs will place the approved projects on the Transportation Improvement Programs (TIPs) and the Statewide Transportation Improvement Program (STIP).

While FHWA has an active role in supporting project eligibility determinations and will have the final say if there is disagreement over project eligibility elements or project scope, the responsibility for developing project selection and implementation processes rests primarily with the State. In New York State, the responsibility for soliciting proposals and evaluating, ranking, and prioritizing applications rests jointly with NYSDOT and the MPOs.

## AWARDED PROJECTS: Strategies for Successful Projects

Familiarity with the [Local Projects Manual \(LPM\)](#),<sup>14</sup> federal requirements, and a history of successful project administration all help to ensure that projects are brought to timely completion. Other strategies include:

- Regular, pro-active communication between all parties involved, including early project kick-off meeting(s) post project award.
- Proper Federal Phase Authorization prior to the start of each phase of work.<sup>15</sup>
- An approved and continuously updated Project Management Plan (PMP).
- Progression of original project scope (any scope changes must be approved by NYSDOT), and timely execution of the SLA.
- Timely hiring of a design consultant, as the federal regulations for consultant selection may be a lengthy process. Sponsors must use a Qualifications Based Selection Process. Sponsors may use the [NYSCHSA Local Design Services Agreement \(LDSA\)](#) list as defined in Chapter 6 of the LPM.
- Proof of ROW ownership, including any surveys and clearance certificates. A recent survey, stamped by a New York State Licensed Land Surveyor, showing the public lands is the best proof of ROW. Acceptable documents for proof of ROW include a highway boundary line on a plan stamped by a New York State or New York City licensed land surveyor or record plans for the highway showing the property boundaries. **Tax maps are not sufficient documentation for property boundary lines.** No cloud app maps. Maps required must be of current existing conditions and must remain static for the record.
- Timely submission of bills for reimbursement. Upon project completion, timely final reimbursement requests and project close-out documentation must be submitted by the Sponsor to NYSDOT.

### Progression Expectation for Awarded Projects

NYSDOT may rescind approval of any project not meeting these progression expectations:

- Projects should progress in a reasonable timeframe in accordance with the approved Project Management Plan.
- The SLA must be executed within a timely manner, typically 3 - 6 months within funding notification.
- Construction Authorization (NYSDOT concurred with Construction Contract bid documents) must be granted and the project must proceed to construction within 24 months of award (award is defined as a fully executed SLA).

<sup>14</sup> [Local Projects Manual \(LPM\)](#) - <https://www.dot.ny.gov/plafap>

<sup>15</sup> All work performed before receipt of written authorization from NYSDOT to proceed will be ineligible for federal reimbursement. The authorization to proceed shall be as directed by the NYSDOT Regional Office.

- If the project does not begin implementation or construction within 24 months of the SLA execution, NYSDOT may rescind the award and repayment of any Federal-Aid funds may be required, unless otherwise approved by NYSDOT.
- Project close out should occur within 3 months of project construction completion.
- Stalled projects may be in jeopardy of losing federal funds set aside for that project.
- Projects will be considered delinquent and subject to withdrawal of funds if the required milestones are not met, regardless of whether the Sponsor has incurred costs.

If NYSDOT rescinds its approval of funds, or if a Sponsor chooses to discontinue a project for which funds have been expended and reimbursed, federal and state funds must be repaid. In limited cases, if a project is terminated due to unanticipated procedural obstacles (such as environmental consequences or significant public opposition), repayment of federal and state funds may be waived (a repayment waiver must be approved by FHWA).

## **OPTIONAL NON-SELECTED PROJECTS DEBRIEF**

Sponsors whose projects are not selected in this solicitation, may request a debrief meeting. The meeting purpose is to provide the Sponsor an opportunity to learn the reason(s) the submitted proposal was not selected for an award. Debriefings are intended to make the selection process open and transparent and assist the Sponsor to become a more viable competitor for future NYSDOT TAP-CMAQ solicitations.

Debrief requests are to be submitted in writing, an email request is sufficient, 30 days after receipt of selection/non-selection notifications. Requests are to be submitted to:  
[MO-LocalProgramsBureau@dot.ny.gov](mailto:MO-LocalProgramsBureau@dot.ny.gov).